

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:02-00102

WARREN COLLINS

**MEMORANDUM OPINION AND ORDER**

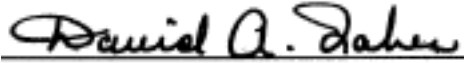
Pending before the court is defendant's amended motion for return of property, filed on March 1, 2005. (Doc. # 134). By Order entered July 26, 2011, the court directed the United States to file a response to said motion on or before August 26, 2011. On August 25, 2011, the United States filed a response to defendant's motion indicating that: 1) the \$601 in currency was forfeited in the Circuit Court of Mercer County on July 8, 2002; and 2) no check was seized in the course of defendant's arrest. On September 16, 2011, the United States filed a supplemental response indicating that the Princeton Police Department had in its evidence system a sum of money attributed to defendant that was obtained in connection with another case.

Given that the funds at issue were forfeited in a state proceeding and there is no record that a check was seized in connection with this case, this court is not in a position to grant the requested relief. Any motion to set aside the default judgment should be filed in the Circuit Court of Mercer County. Accordingly, defendant's motion is DENIED.

The Clerk is **DIRECTED** to send a copy of this Order to Defendant, counsel of record, and the United States Probation Office.

**IT IS SO ORDERED** this 26th day of March, 2012.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge